

**Planning Board  
Meeting Minutes  
April 10, 2014  
Burrell School**

**Members Present:** William Grieder, Gordon Greene, John Rhoads, Ron Bressé, Associate Gary Whitehouse

**Members Absent:** Kevin Weinfeld

**Also Present:** Planner Sharon Wason

**7:00 p.m. Review of old/new business**

**Planner's Report**

Community Forestry Grant – Ms. Wason submitted an intent to submit an application for a Community Forestry grant to replace street trees and received a go-ahead to submit a full application. Application is due May 1, 2014.

DLTA – Ms. Wason submitted a proposal for District Local Technical Assistance (DLTA) funding to do the Rte. 1 zoning work. DLTA announcements are tomorrow or very early next week.

Subdivision Rules & Regulations – Ms. Wason plans to do the Subdivision Rules and Regulations “non-LID” portion updates on a parallel track to the MAPC work. She would like to move a lot of the submission requirements to checklists that are included in an appendix. Does the Board have any sense of major and minor subdivision standards or continue with informal process. Mr. Grieder stated informal process should be encouraged. Other Board members concurred. The schedule of the MAPC work is starting late this month, complete by the fall.

Summer intern – There are no funds in FY14 budget for a summer intern.

Stone wall lecture – scheduled for Monday June 2th at 7:00 p.m. at the Library. We will be co-sponsoring with Conservation Commission and the Friends of the Library or the Library. Once the sponsors are finalized, we'll get posters up, etc.

Parking Conference sponsored by MAPC – Ms. Wason attended a parking conference on Tuesday. There were lots of great ideas shared, including a fee in lieu of providing spaces. Ms. Wason would like to work with Finance Director Scollins and get a system like this going for applications that use public spaces to comply with required zoning.

MAPC Executive Committee – Ms. Wason would like to run for reelection to the MAPC Executive Committee. A **motion** to approve Ms. Wason request to run for reelection to the MAPC Executive Committee was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0)

24 Washington Street – Ms. Wason and Ms. Jordan met with the architect for the car detailing business looking to build at the old Cook's gas station at Rte. 1 and North Street. It's going to be a challenge due to the size of the site.

Town Manager – Bill Keegan is starting on April 22<sup>nd</sup>. He's planning to spend the first week out in the field, but Ms. Wason will get an appointment with him ASAP.

Payson Road – Project is on track for first May Central Register listing and bid. Mr. Buckley's priority next week is to get bid documents done. We need to work with Highway re street lights or come up with lights on the property.

## **Public Hearings: Town Meeting Warrant Articles**

### **7:15 p.m. First article: to amend the Section 11 of the General By-Laws by amending Section D and E, adding a new Section G.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0)

Ms. Wason explained the changes being proposed to the scenic road by-law. The changes include the addition of a number of streets to the list of scenic roads and a section on enforcement which addresses violations and penalties. She stated that DPW Director Hill prepared a letter expressing his concerns about the addition of specific roads since he is planning to do work on those roads and would like the roads to not be added until the work is done. In discussions with him, it was reiterated that the by-law doesn't preclude the Town from doing work, but it requires that the walls and trees be reviewed prior to their removal.

Ms. Wason stated that a survey was sent to the residents of all of the streets being considered and will be reading the results of the survey for each street.

### **7:20 p.m. Second article: to amend Section 11 B. by adding Bentwood Street to the list of scenic roads.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The **motion** carried (4-0-0).

Ms. Wason stated that Brown University student Jennifer Thomas did a school project looking at the existing scenic roads and researched why these streets were added and found some roads were chosen because they had rural attributes and others because they had significant cultural meaning. The suggested streets to be added to the list have these attributes.

Ms. Wason stated that the survey results for Bentwood Street was: Yes – 4; No – 1; Don't Know – 0.

John De Ris, 12 Bentwood Street – stated that he is confused about practical issues, especially where the right of way is. Mr. Grieder responded that there are questions as to the layout of the road, but the by-law is to protect the homeowners' property. Mr. Rhoads added that for older streets, the definition of a layout is more difficult to determine but layouts are recorded in the Registry of Deeds in Dedham.

### **7:25 p.m. Third article: to amend Section 11 B. by adding Carpenter Street to the list of scenic roads.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason stated that the survey results for Carpenter Street was: Yes – 7; No – 3; Don't Know – 1.

Kristin Papianou, 30 Carpenter Street – asked if trees that hang over the public way are considered part of town property. Mr. Grieder responded that only the part of the canopy that hangs on the right-of-way, but

not the tree. Ms. Papanou asked if Planning Board members would be concerned if their streets were to be added to the list. Ms. Wason responded that three Planning Board members live on scenic roads: Mr. Bressé, Mr. Rhoads and Mr. Weinfeld, who is not present. Mr. Bressé explained that a new subdivision was built off North High Street, “Fairway Woods” and a stone wall was located where the new road was to be constructed. In the hearing, it was agreed that the rocks removed should be used to repair the remaining wall and to construct a continuation of the wall onto the new road, creating an entrance to the subdivision.

Steve Drew, 81 Carpenter Street – asked a question about utilities trimming or removing trees in the right of way for their work. Mr. Grieder responded that utilities don’t ask permission from the homeowners or the Town to do the type of work they deem necessary to perform their duties.

**7:30 p.m. Fourth article: to amend Section 11 B. by adding Chestnut Street to the list of scenic roads.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

Ms. Wason stated that the survey results for Chestnut Street was: Yes – 24; No – 13; Don’t Know – 3.

Alan Sweeney, 77 Chestnut – asked how long the process for a hearing is. Mr. Grieder responded that applications under the scenic road bylaw are addressed at the earliest Planning Board meeting possible. Mr. Sweeney asked how property values could be affected, if they would increase or decrease. Ms. Wason responded that there’s a website that can be used to determine value of your property but it has been found that property values increase.

**7:35 p.m. Fifth article: to amend Section 11 B. by adding Cross Street to the list of scenic roads.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason stated that the survey results for Cross Street was: Yes – 20; No – 3; Don’t Know – 3.

**7:40 p.m. Sixth article: to amend Section 11 B. by adding Garfield Street to the list of scenic roads.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

Ms. Wason stated that the survey results for Garfield Street was: Yes – 7; No – 5; Don’t Know – 0.

Mary Hoyt, 23 Garfield Street – stated that there isn’t much to save on Garfield, adding that she doesn’t want to wait for meetings and approvals to take care of trees. Mr. Rhoads responded that if a tree is in bad shape and is determined that it needs to be removed by the Tree Warden, it can be removed without a hearing.

**7:45 p.m. Seventh article: to amend Section 11 B. by adding Leonard Street from Cocasset to Leonard Terrace to the list of scenic roads.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

Ms. Wason stated that the survey results for Leonard Street was: Yes – 5; No – 7; Don't Know – 4.

Frank Cahill, 6 Leonard Street – asked if this designation will give the street an advantage to the get road and sidewalk repaired. Mr. Grieder responded that, unfortunately, no, but it is the Board's goal to make the Town as walkable as possible.

**7:50 p.m. Eighth article: to amend Section 11 B. by adding Maple Avenue to the list of scenic roads.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason stated that the survey results for Maple Avenue was: Yes – 4; No – 2; Don't Know – 1.

**7:55 p.m. Ninth article: to amend Section 11 B. by adding Sherman Street to the list of scenic roads.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason stated that the survey results for Sherman Street was: Yes – 7; No – 6; Don't Know – 0.

Joy Auld, 13 Sherman Street – stated that there's only stone wall on the street, adding that her house isn't historic don't see the need to retain the stone wall.

**8:00 p.m. Tenth article: to amend Section 11 B. by adding South Cross Street to the list of scenic roads.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason stated that the survey results for South Cross Street was: Yes – 4; No – 1; Don't Know – 0.

Paul Mullins, 2 South Cross Street – asked if a wall needs to be removed, would it need to be replaced or can it be removed and without being required to replace it. Ms. Wason responded that one of the requirements is to notify abutters and their input will be considered when making a decision.

**8:05 p.m. Eleventh article: to amend Section 11 B. by adding West Leonard Street to the list of scenic roads.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason stated that the survey results for West Leonard Street was: Yes – 1; No – 1; Don't Know – 0.

**8:10 p.m. Twelfth article: to amend Section 11 B. by adding West Street from Mill Street to the Wrentham town line to the list of scenic roads.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason stated that the survey results for West Street was: Yes – 22; No – 2; Don't Know – 1.

Jeremy Coombs, 21 West Street – stated that the Board should consider including all of West Street as there are a number of stone walls in the section of road that is being excluded.

Albert Daniels, 17 Daniels Street – asked the Board to consider postponing adding West Street due to the road upgrades being planned. Mr. Grieder responded that the work could still go forward but explained the process.

There were no more comments from the public.

A **motion** to close the public hearing concerning the proposed amendments to the scenic road by-law was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

A **motion** to make a positive recommendation of the scenic road article to Town Meeting was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to close the public hearing to include **Bentwood Street** to list of scenic roads was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to make a positive recommendation to Town Meeting to add Bentwood Street to the list scenic roads was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

A **motion** to close the public hearing to include **Carpenter Street** to list of scenic roads was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to make a positive recommendation to Town Meeting to add Carpenter Street to the list scenic roads was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

A **motion** to close the public hearing to include **Chestnut Street** to list of scenic roads was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to make a positive recommendation to Town Meeting to add Chestnut Street to the list scenic roads was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

A **motion** to close the public hearing to include **Cross Street** to list of scenic roads was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to make a positive recommendation to Town Meeting to add Cross Street to the list scenic roads was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

A **motion** to close the public hearing to include **Garfield Street** to list of scenic roads was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

Mr. Rhoads stated that due to comments expressing strong opposition, he would like to postpone action until the next meeting so Board members can visit the street before voting on this street.

A **motion** to continue the public hearing concerning Garfield Street to April 24, 2014 to 7:15 p.m. at the Boyden Library Community Room was made by Mr. Rhoads and seconded by Mr. Bressé. The motion carried (4-0-0).

A **motion** to close the public hearing to include **Leonard Street** to list of scenic roads was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

Mr. Rhoads stated that also due to comments expressing opposition, he would like to postpone action until the next meeting so Board members can visit the street before voting on this street.

A **motion** to continue the public hearing concerning Leonard Street to April 24, 2014 to 7:20 p.m. at the Boyden Library Community Room was made by Mr. Rhoads and seconded by Mr. Bressé. The motion carried (4-0-0).

A **motion** to close the public hearing to include **Maple Avenue** to list of scenic roads was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to make a positive recommendation to Town Meeting to add Maple Avenue to the list scenic roads was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

A **motion** to close the public hearing to include **Sherman Street** to list of scenic roads was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

Mr. Rhoads stated that also due to comments expressing opposition, he would like to postpone action until the next meeting so Board members can visit the street before voting on this street.

A **motion** to continue the public hearing concerning Sherman Street to April 24, 2014 to 7:25 p.m. at the Boyden Library Community Room was made by Mr. Rhoads and seconded by Mr. Bressé. The motion carried (4-0-0).

A **motion** to close the public hearing to include **South Cross Street** to list of scenic roads was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to make a positive recommendation to Town Meeting to add South Cross Street to the list scenic roads was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

A **motion** to close the public hearing to include **West Leonard Street** to list of scenic roads was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

Mr. Rhoads stated that also due to comments expressing opposition, he would like to postpone action until the next meeting so Board members can visit the street before voting on this street.

A **motion** to continue the public hearing concerning West Leonard Street to April 24, 2014 to 7:28 p.m. at the Boyden Library Community Room was made by Mr. Rhoads and seconded by Mr. Bressé. The motion carried (4-0-0).

A **motion** to close the public hearing to include **West Street** to list of scenic roads was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

The Board discussed whether to consider including all of West Street on the list of scenic roads and agreed that all of West Street should be included.

A **motion** to make a positive recommendation to Town Meeting to include all of West Street from South Street to the Wrentham town line to the list of scenic roads was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

**8:39 p.m. Thirteenth article: to amend the Zoning By-Laws Section 3.0 Table 3-1 by adding a new use category for Registered Marijuana Dispensary and by adding a new Section 7.5 Regulations for Medical Marijuana Uses.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason stated that after a vote on the State election to approve the sale of medical marijuana, towns are now required to provide reasonable regulations to allow a registered marijuana dispensary to operate within the town. She explained that the proposal is for a new use category and a new section for regulations for the medical marijuana use. She added that Town Counsel has reviewed the regulations.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to make a positive recommendation of the article to Town Meeting was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

**8:40 p.m. Fourteenth article: to amend the Zoning By-Laws Section 4.0 Table 4-1 by adding a Maximum Lot Coverage category.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason explained that the zoning by-laws don't cap the amount of a lot that can be covered with impervious areas. She stated that she has worked with zoning officer to determine an amount that would include current developments. She added that as a groundwater dependent town, we need to ensure that the amount of recharge isn't significantly diminished.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to make a positive recommendation of the article to Town Meeting was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

**8:41 p.m. Fifteenth article: to adopt Statute M.G.L. Ch. 41 Section 81-U.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason explained that the law requires that the Planning Board obtain the money from developers in the event of a default. It is then spent by Town Meeting appropriation unless a Town has adopted the provision cited in this article. The Board then works with the Board of Selectmen to contract and complete the subdivision improvements. Given that we have three defaulted subdivisions that we need to

“work out,” being able to work with the Board of Selectmen will get these problems resolved quickly for the residents is the highest priority. We have received funds for the completion of Fox Woods (Carleton Road off Rte. 106) and Autumn Estates (Sullivan Way, off Chestnut Street).

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to make a positive recommendation of the article to Town Meeting was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

**8:42 p.m. Sixteenth article: to amend the Zoning By-Laws Section 3.0 Table 3-1 L-15 Drive-Through Facility.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason explained that drive-through facilities are currently not allowed in residential (R-15, R-40) districts; by Special Permit from the Planning Board in certain business (General Business and Neighborhood Business) districts; and allowed by right in the rest of the business districts (Highway Business, General Industrial, Limited Industrial, and S-1) which is believed to be typographical error. The proposed changes would allow drive-through facilities by special permit in Highway Business and S-1. Mr. Grieder stated that the Citizens Advisory Committee requested that they not be permitted in the General Business district and by Special Permit from the Planning Board in Neighborhood Business, Highway Business, General Industrial, Limited Industrial and S-1 districts.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to amend the article to propose that drive-through facilities be also allowed by Special Permit from the Planning Board in the Neighborhood Business, General Industrial, Limited Industrial districts was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

A **motion** to make a positive recommendation of the article as amended to Town Meeting was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

**8:43 p.m. Seventeenth article: to amend the Zoning By-Laws by amending Section 2.2, Section 3.0 Table 3-1 B.1, Section 11, Section 9.2, and by adding a new Section 9.7 Foxborough Center Overlay District.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason explained that this article was developed through work with Cynthia Wall of MAPC.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to make a positive recommendation of the article to Town Meeting was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

**8:44 pm. Eighteenth article: to amend the General By-Laws, Section V by adding a new Section 22 Complete Streets Policy.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason stated that this policy addresses the need to design streets for pedestrians and cyclists. She read paragraphs from Mr. Hill's memo concerning this article expressing his concern over funding. She stated that the Transportation Bond Bill includes complete street incentive payments.

Ms. Wason recommended that the Board consider taking no action to do more research on the costs and educate the public on this policy. Mr. Grieder added that the Advisory Committee had questions as to staffing requirements and costs. Ms. Wason stated that she believes that this will become the law in Massachusetts.

Paul Mullins, 2 South Cross Street – asked how this will affect a development abutting a scenic road. Mr. Grieder responded that it will require a hearing.

There were no more comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to recommend no action on this article to Town Meeting was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

**8:45 p.m. Nineteenth article: to amend the Zoning By-Laws Section 5.0 by removing Section 5.4 and replacing with a new Section 5.4.**

A **motion** to waive the reading of the hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Ms. Wason explained that this amendment was proposed by the Zoning Board of Appeals. For nonconforming residential uses that want to increase the habitable floor area of their home by less than 25%, they deal with Building Commissioner. For homes that increase by more than 25%, the bylaw required the Board of Appeals to make a finding “that the reconstruction, extension, alteration or structural change shall not be substantially more detrimental to the neighborhood in which the structure is located than the existing nonconforming structure.” This change would require a Special Permit subject to the same finding, but a Special Permit will allow the Board of Appeals to impose conditions when appropriate.

Steve Baker, 5 Willis Lane – asked if the change affects only increase in footprint or if it includes increase in area due to the addition of a second level in a home. Ms. Wason responded that it affects the footprint of a house. She added that it allows the Zoning Board of Appeals to give special permits rather than either granting or not granting a variance.  
There were no more comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

A **motion** to make a positive recommendation of the article to Town Meeting was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4-0-0).

**9:00 p.m.** Meeting adjourned

Respectfully submitted,  
Gabriela Jordan

Approved by: Kevin Weinfeld Date: 5/22/14